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Permanent Forum on Indigenous Issues
Twelfth session
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Item 7 of the provisional agenda*
Human rights

Follow-up on the recommendations of the Permanent Forum

1. The Permanent Forum has identified the proposals, the objectives, the recommendations and the areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

2. It is the understanding of the secretariat that the proposals, the objectives, the recommendations and the areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

3. During the twelfth session of the Permanent Forum, the Forum members held a very constructive dialogue with the Chair of the Expert Mechanism on the Rights of Indigenous Peoples and the Chair of the United Nations Voluntary Fund for Indigenous Populations, Member States and indigenous peoples on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.[1] The Forum also held an interactive dialogue with the Special Rapporteur on the rights of indigenous peoples. The recommendations below reflect issues that arose at the twelfth session that are of universal character or of an urgent nature.

4. The Forum acknowledges and accepts the study on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with respect to the full enjoyment of human rights and inclusion in development (E/C.19/2013/6). The Forum recommends that the Committee on the Rights of Persons with Disabilities pay special attention to, and take immediate action to respond to, the situation of indigenous persons and peoples with disabilities and encourage the United Nations system to facilitate the translation of the Convention on the Rights of Persons with Disabilities[2] into indigenous languages.

* E/C.19/2013/1.

[1] General Assembly resolution 61/295, annex.

[2] General Assembly resolution 61/106, annex I.

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5. The Forum welcomes the World Heritage Committee agreement to establish a sessional working group on the Operational Guidelines for the Implementation of the World Heritage Convention, in order to revise them and include indigenous peoples' human rights, including the principle of free, prior and informed consent. The Forum recommends that the United Nations Educational, Scientific and Cultural Organization and the World Heritage Committee implement the World Heritage Convention according to the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples and a human rights-based approach.

6. The Forum is alarmed by the continuing acts of violence being perpetrated against indigenous peoples by Member States and others. Therefore, the Forum acknowledges the need for States to establish a monitoring mechanism to address violence against indigenous peoples, including assassinations; assassination attempts; rapes; and intimidation of indigenous peoples in their attempts to safeguard and use their homelands and territories that transcend national borders, including the non-recognition of their membership identification and documents, and the criminalization of their related activities. Specific attention must be paid to such actions being perpetrated by State and local police, the military, law enforcement institutions, the judiciary and other State-controlled institutions against indigenous peoples.

7. Extremely concerned about the physical and moral violence being perpetrated against indigenous human rights defenders, the Forum recommends the Special Rapporteur on the situation of human rights defenders to prepare a report devoted to these alarming conditions and actions, especially in the context of indigenous women and children.

8. The Forum welcomes the unprecedented judgment against Efrain Rios Montt for genocide and crimes against the Mayan Ixil peoples during the 1980s in Guatemala. The acknowledgment of the historical reality of the Maya Ixil and many other indigenous peoples may contribute to recognition of the genocide and other gross human rights violations perpetrated against indigenous peoples in all parts of the world and ultimately lead to reconciliation between indigenous peoples and States.

9. The Forum requests Member States to establish specific mechanisms at the national level in order to open and sustain dialogue between indigenous peoples and governmental ministries to review the implementation of the recommendations of the Special Rapporteur on the rights of indigenous peoples, the work of the Expert Mechanism on the Rights of Indigenous Peoples and the recommendations of the Forum. The Forum requests United Nations agencies at the national level to facilitate such dialogue and that corresponding national mechanisms be established.

10. The Forum welcomes the recent entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Forum encourages Member States to accede to the Optional Protocol and requests the Committee on Economic, Social and Cultural Rights to consider the preparation of a general comment on the economic, social and cultural rights of indigenous peoples.

11. The Forum welcomes the recent publication of the adolescent-friendly version of the United Nations Declaration by the United Nations Children's Fund, the Forum and the Global Indigenous Youth Caucus. The Forum recommends that Member States and indigenous peoples translate this publication into all languages, in particular indigenous languages. The Forum also recommends Member States,

indigenous peoples and others to use this publication in the curricula of studies of indigenous youth and non-indigenous youth.

12. The Forum reiterates its recommendation to the International Labour Organization (ILO) to accommodate and guarantee the direct participation of indigenous peoples' organizations in ILO procedures, in particular those related to compliance with the ILO Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (Convention No. 107) and the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169) and their corresponding recourse mechanisms. The Forum reiterates its call upon respective Member States to accede to the ILO Convention concerning Indigenous and Tribal Peoples (Convention No. 169).

13. Recalling recommendations 4 through 11 of its report on its tenth session[3] and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Forum expresses alarm regarding the contemporary application of the erroneous and discredited "doctrine of discovery" and its underlying assumptions, which promote the purported inferiority of indigenous peoples. This doctrine was applied in June 2012 by the British Columbia Court of Appeal to deny the land rights and title of the Tsilhqot'in to their traditional lands and territories by stating "European explorers considered that by virtue of the 'principle of discovery' they were at liberty to claim territory in North America on behalf of their sovereigns". The Forum strongly recommends that States, human rights bodies and judiciaries denounce the "doctrine of discovery" and discontinue its use and application.

14. The Forum requests that Member States and other potential donors increase their contributions to the Voluntary Fund on Indigenous Populations, the United Nations Indigenous Peoples' Partnership, and the Trust Fund on Indigenous Issues in order to guarantee the exercise of the right of indigenous peoples to participate in United Nations meetings of specific concern to them.

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[3] E/2011/43-E/C.19/2011/14.